

EXHIBIT A

APPENDIX

**U.S. Bankruptcy Court
Eastern District of Michigan (Detroit)
Bankruptcy Petition #: 13-53846-swr**

Date filed: 07/18/2013

Assigned to: Judge Steven W. Rhodes
Chapter 9
Voluntary
No asset

Debtor In Possession
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WAYNE-MI
Tax ID / EIN: 38-6004606

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Filing Date	#	Docket Text
07/22/2013	<u>63</u>	Objection to (related document(s): <u>58</u> Motion to Expedite Hearing (related documents <u>18</u> Generic Motion, <u>19</u> Generic Motion, <u>39</u> Generic Motion, <u>53</u> Generic Motion, <u>56</u> Generic Motion) /Ex Parte Motion of the Debtor for the Entry of an Order (A) Scheduling an Expedited Hearing on C) Filed by Creditors General Retirement System of the City of Detroit, Police and Fire Retirement System of the City of Detroit (Gordon, Robert) (Entered: 07/22/2013)
07/22/2013	<u>84</u>	Objection to (related document(s): <u>18</u> Motion of Debtor for Entry of an Order (A) Directing and Approving Form of Notice of Commencement of Case and Manner of Service and Publication of Notice and (B) Establishing a Deadline for Objections to Eligibility and a Schedule for Their Consider, <u>39</u> Motion of Debtor, Pursuant to Sections 102(1)(A) and 105(a) of the Bankruptcy Code and Rules 2002(m) and 9007 of the Federal Rules of Bankruptcy Procedure, for Entry of an Order Establishing Case Management and Scheduling Procedures, <u>53</u> Motion of Debtor, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order Confirming the Protections of Sections 362, 365 and 922 of the Bankruptcy Code, <u>56</u> Motion of Debtor, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order, Extending the Chapter 9 Stay to Certain (A) State Entities, (B) Non-Officer Employees and (C) Agents and Representatives of the Debtor) Filed by Creditor Michigan Council 25 of the American Federation of State, County & Municipal Employees, AFL-CIO (Levine, Sharon) (Entered: 07/22/2013)
07/23/2013	<u>122</u>	Objection to (related document(s): <u>53</u> Motion of Debtor, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order Confirming the Protections of Sections 362, 365 and 922 of the Bankruptcy Code, <u>56</u> Motion of Debtor, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order, Extending the Chapter 9 Stay to Certain (A) State Entities, (B) Non-Officer Employees and (C) Agents and Representatives of the Debtor) Filed by Interested Parties Syncora Capital Assurance Inc., Syncora Guarantee Inc. (Bennett, Ryan) (Entered: 07/23/2013)

07/23/2013		<u>125</u>	Objection to (related document(s): <u>56</u> Motion of Debtor, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order, Extending the Chapter 9 Stay to Certain (A) State Entities, (B) Non-Officer Employees and (C) Agents and Representatives of the Debtor) Filed by Creditor International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (Attachments: # <u>1</u> Declaration of William Wertheimer # <u>2</u> Certificate of Service) (Ganatra, Niraj) (Entered: 07/23/2013)
07/23/2013		<u>128</u>	Reply to (related document(s): <u>53</u> Generic Motion filed by Debtor In Possession City of Detroit, Michigan, <u>56</u> Generic Motion filed by Debtor In Possession City of Detroit, Michigan) / Debtor's Reply in Support of: (I) Motion of Debtor, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order, Extending the Chapter 9 Stay to Certain (A) State Entities, (B) Non-Officer Employees and (C) Agents and Representatives of the Debtor; and (II) Motion of Debtor, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order Confirming the Protections of Sections 362, 365 and 922 of the Bankruptcy Code Filed by Debtor In Possession City of Detroit, Michigan (Heiman, David) (Entered: 07/23/2013)
07/23/2013		<u>138</u>	Concurrence in and Limited Objection to Filed by Creditors Detroit Fire Fighters Association, I.A.F.F. Local 344, Detroit Police Command Officers Association, Detroit Police Lieutenants and Sergeants Association, Detroit Police Officers Association (RE: related document(s) <u>53</u> Motion of Debtor, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order Confirming the Protections of Sections 362, 365 and 922 of the Bankruptcy Code, <u>56</u> Motion of Debtor, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order, Extending the Chapter 9 Stay to Certain (A) State Entities, (B) Non-Officer Employees and (C) Agents and Representatives of the Debtor). (Patek, Barbara) (Entered: 07/23/2013)
07/23/2013		<u>141</u>	Objection to (related document(s): <u>53</u> Motion of Debtor, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order Confirming the Protections of Sections 362, 365 and 922 of the Bankruptcy Code, <u>56</u> Motion of Debtor, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order, Extending the Chapter 9 Stay to Certain (A) State Entities, (B) Non-Officer Employees and (C) Agents and Representatives of the Debtor) Objection of the Retirement Systems to Motions of Debtor for Entry of Orders (I) Confirming the Protections of Sections 362, 365 and 922 of the Bankruptcy Code, and (II) Extending the Chapter 9 Stay to Certain (A) State Entities, (B) Non-Officer Employees and (C) Agents and Representatives of the Debtor Filed by Creditors General Retirement System of the City of Detroit, Police and Fire Retirement System of the City of Detroit (Gordon, Robert) (Entered: 07/23/2013)
07/24/2013		<u>146</u>	Corrected Objection to (related document(s): <u>56</u> Motion of Debtor, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order, Extending the Chapter 9 Stay to Certain (A) State Entities, (B) Non-Officer Employees and (C) Agents and Representatives of the Debtor) Filed by Creditor International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (Ganatra, Niraj) (Entered: 07/24/2013)
07/29/2013		<u>188</u>	

			<p>Transcript regarding Hearing Held 07/24/13 RE: Motion of Debtor, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order Confirming the Protections of Sections 362, 365 and 922 of the Bankruptcy Code (Docket #53) and Motion of Debtor, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order Extending the Chapter 9 Stay to Certain (A) State Entities, (B) Non-Officer Employees and (C) Agents and Representatives of the Debtor (Docket #56). THIS TRANSCRIPT WILL BE MADE ELECTRONICALLY AVAILABLE TO THE GENERAL PUBLIC 91 DAYS AFTER THE DATE OF FILING, TRANSCRIPT RELEASE DATE IS 10/28/2013. Until that time, the transcript may be viewed at the Clerk's Office by parties who do not receive electronic notice and participated in the proceeding. A copy of the transcript may be purchased from the official court transcriber Lois Garrett at 517.676.5092. (RE: related document(s) <u>147</u> Transcript Request, <u>161</u> Transcript Request, <u>169</u> Transcript Request). Redaction Request Due By 08/19/2013. Redacted Transcript Submission Due By 08/26/2013. Transcript access will be restricted through 10/28/2013. (Garrett, Lois) (Entered: 07/29/2013)</p>
09/26/2013		<u>1039</u>	<p>Opinion And Order Denying Motion To Stay Proceedings Pending Determination Of Motion To Withdraw The Reference (RE: related document(s) <u>837</u> Motion To Stay filed by Retiree Committee Official Committee of Retirees). (ckata) (Entered: 09/26/2013)</p>
12/05/2013		<u>1945</u>	<p>Opinion Regarding Eligibility (RE: related document(s) <u>821</u> First Amended Order Regarding Eligibility Objections). (ckata) (Entered: 12/05/2013)</p>
12/05/2013		<u>1946</u>	<p>Order for Relief Under Chapter 9 of the Bankruptcy Code (Related Document <u>1945</u> Opinion Regarding Eligibility) (ckata) (Entered: 12/05/2013)</p>
12/12/2013		<u>2074</u>	<p>Reply to (related document(s): <u>1888</u> Response filed by Creditor Catherine W. Phillips) Filed by Interested Party State of Michigan (Schneider, Matthew) (Entered: 12/12/2013)</p>

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:)	Chapter 9
)	
CITY OF DETROIT, MICHIGAN,)	Case No. 13-53846
)	
Debtor.)	
)	

**OBJECTION TO *EX PARTE* MOTION OF DEBTOR FOR THE ENTRY OF AN ORDER
(A) SCHEDULING AN EXPEDITED HEARING ON CERTAIN INITIAL MOTIONS
FILED BY DEBTOR, (B) LIMITING NOTICE OF HEARING AND
(C) APPROVING FORM AND MANNER OF NOTICE**

The Police and Fire Retirement System of the City of Detroit (“PFRS”) and the General Retirement System of the City of Detroit (“GRS,” and together with PFRS, the “Pension Systems”) object to the Ex Parte Motion of Debtor for the Entry of an Order (A) Scheduling an Expedited Hearing on Certain Initial Motions Filed by Debtor, (B) Limiting Notice of Hearing and (C) Approving Form and Manner of Notice [Docket No. 58] (the “Expedited Hearing Motion”)¹ and state as follows:

1. On July 19, 2013, the Circuit Court for Ingham County, Michigan, in the case entitled *Gracie Webster, et al. v. The State of Michigan, et al.*, Case No. 13-734-CZ (Hon. Rosemarie Aquilina) entered its Order of Declaratory Judgment (the “Declaratory Judgment”), a copy of which is attached hereto as Exhibit A. In the Declaratory Judgment, it is determined, among other things, that the State of Michigan’s authorization of the commencement of this

¹ This Objection is filed subject to the reservations of rights in the Appearance filed by the undersigned counsel in this case, including the Pension Systems’ right to argue that the matters involved in the *Webster* case referenced herein and the pending related cases should be determined in the state courts and not in this Court and that this Court lacks subject matter jurisdiction.

Chapter 9 case was violative of the State Constitution and was therefore given without power or authority. As such, the authorization of the commencement of this case was void.

2. It is anticipated that the Defendants will appeal from the Declaratory Judgment. Pending such appeal process, however, per the Declaratory Judgment, the Pension Systems respectfully submit that this Court does not have subject matter jurisdiction to proceed with this case.

3. Nonetheless, the City of Detroit, Michigan, the debtor herein (the "Debtor"), has filed the Expedited Hearing Motion, seeking a hearing on a number of matters.

4. As an initial matter, the Pension Systems submit that no such matters should proceed at this time pending the completion of any appeal process with respect to the Declaratory Judgment. To do otherwise would ignore the threshold issue that this Court does not have any jurisdiction to proceed with such matters.

5. In addition, without waiver of the foregoing argument, even if the Court were inclined to consider the matters that are the subject of the Expedited Hearing Motion, they should not be heard on roughly one business day's notice. The Expedited Hearing Motion encompasses matters requesting substantive relief - - including seeking relief on the seminal issue of application of the automatic stay to various parties. This proverbially puts the cart before the horse inasmuch as there is no automatic stay arising in this case if the filing of the petition itself was invalid. Moreover, to ask for relief on such short notice clearly violates the Pension Systems' due process rights. Setting an expedited hearing on these matters will deprive the Pension Systems and other parties in interest of a meaningful opportunity to file briefs on the relevant legal issues.

